

AMENDMENT

U.S. Appln. No. 09/653,408 (Q60439)

**REMARKS**

Claims 1-7 are all the claims pending in the application.

**I. Claim Rejection Under 35 U.S.C. § 112(2<sup>nd</sup>):**

The Examiner rejects claims 1-7 under 35 U.S.C. § 112(2<sup>nd</sup>) because he does not understand how the fairing “constitutes” the body of the generator. The basis for this position is that in Fig. 1, the generator does not touch all of the fairing (e.g., the bottom of the fairing). The Examiner’s position is incorrect for a couple of reasons.

The straightforward claim language reads *wherein the rigid fairing of the pod constitutes the body of the generator*. In other words, the fairing 7 and the body of the generator are the same element. The pod 1 does not include a separate generator body that is positioned within the fairing 7. This claim feature is depicted in Fig. 1.

The top half of Fig. 1 (above the axis A) is a sectional view, as clearly indicated by the hatching in the walls of the sleeve 8 and the fairing 7. The top half of Fig. 1 shows that the stator 3 and the rotor 4 (which are constituent parts of the generator) are housed in the fairing 7, without any additional housing element. In fact, the stator 3 is mounted right on the inside wall surface of the fairing 7.<sup>1</sup> On the other hand, the bottom half of Fig. 1 (below the axis A) is an elevation view. The bottom half of Fig. 1 shows that the sleeve 8 surrounds the fairing 7 (which is depicted in phantom). At least in this embodiment, the stator 3 does extend around the axis A

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<sup>1</sup> See Spec., p. 3, third full paragraph.

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on the inside surface of the fairing 7. However, the stator 3 and the rotor 4 are not depicted in the bottom half of Fig. 1 because these elements 3, 4 are hidden from view by the sleeve 8 and the fairing 7.

Turning to the next point, the claim does not recite that the generator touches all of the fairing, as alleged by the Examiner. In fact, Fig. 1 clearly shows that this is not the case. Consider the left end of the pod 1 depicted in Fig. 1 for example. The portion of the fairing wall 7 the extends upward and to the right in an arcuate fashion does not touch the stator 3 and the rotor 4. Notwithstanding, the fairing still constitutes the body of the generator as required by claim 1.

For these reasons, claim 1 is believed to particularly point out and distinctly claim the subject matter regarded as the invention. And therefore, Applicants respectfully request the Examiner to remove the raised §112(2<sup>nd</sup>) rejection.

## II. Claim Rejections On Prior Art Grounds:

The Examiner rejects claims 1, 3, and 5-7 under 35 U.S.C. § 102(b) as being anticipated by US 4,366,387 to Carter, Jr. et al. ("Carter"); claim 4 under 35 U.S.C. § 103(a) as being obvious over Carter in view of US 5,977,667 to Hirose ("Hirose"); and claim 2 under 35 U.S.C. § 103(a) as being obvious over Carter in view of US 4,350,898 to Benoit ("Benoit"). Applicants respectfully traverse all of these rejections in view of the following remarks.

Claim 1, which is amended for clarification, recites:

*wherein the rigid fairing of the pod constitutes the body of the generator in which a stator and a rotor are mounted, such that the stator contacts the fairing.*

At least this feature is not taught or suggested by the prior art relied upon by the Examiner.

*As a preliminary matter, the Examiner should enter the requested amendments since they (1) implement a structural interrelation among the elements, which appears to be suggested by the Examiner at numbered paragraph 8 of the Office Action, and (2) should only require a cursory review by the Examiner.*

The Examiner relies upon Carter to teach and every feature of the invention defined by claim 1. With reference to Fig. 2 of Carter, the disclosed head assembly 18 does include a streamlined housing 32 (apparently compared by the Examiner to the fairing of the present invention) in which a generator 34 is provided. Importantly, however, the generator 34 has its own housing, which is the cylindrical element positioned between the gear box 36 and the electrical component 40. This cylindrical housing is a distinct and separate element from the streamlined housing 32. They are not one in the same.

Furthermore, the cylindrical housing contains the constituent parts of the generator, including a stator and a rotor. The stator (not illustrated) is necessarily provided on the inside of the cylindrical housing. That is, the cylindrical housing of the generator 34 completely surrounds the stator, and therefore the stator does not contact the streamlined housing 32.

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Consequently, claim 1 recites features that not taught or suggested by Carter, and therefore the Examiner should remove the raised anticipation rejection.


Applicants submit that the remaining prior art does not make up the deficiencies or Carter noted above.

For these reasons, Applicants respectfully assert that claim 1 is patentable, and that claims 2-7 are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
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**APPENDIX**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**The claims are amended as follows:**

1. (Three Times Amended) A wind-power generator pod comprising a rigid fairing in which at least one electricity generator is disposed for coupling to at least one wind-driven propeller, wherein the rigid fairing of the pod constitutes the body of the generator in which a stator and a rotor are mounted, such that the stator contacts the fairing.